

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

JAMES ROBINSON

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CRIMINAL ACTION

NO. 09-473

ORDER

AND NOW, this 22nd day of March, 2012, upon consideration of defendant's Motion to Reopen Suppression Hearing (Doc. No. 124, filed February 13, 2012), the Government's Response to Defendant's Motion to Reopen Suppression Hearing (Doc. No. 130, filed February 22, 2012), defendant's Motion to Dismiss Indictment / Motion for Release on Conditions (Doc. No. 128, filed February 18, 2012), and the Government's Response to Defendant's Motion to Dismiss Indictment/Motion for Release on Conditions (Doc. No. 132, filed February 28, 2012), following a hearing and oral argument on March 13, 2012, for the reasons set forth in the Memorandum dated March 22, 2012, **IT IS ORDERED** as follows:

1. Defendant's Motion to Reopen Suppression Hearing is **GRANTED IN PART** and **DENIED IN PART** as follows.

a. Defendant's Motion to Reopen Suppression Hearing is **GRANTED** to the extent that the hearing held on October 8, 2010, on Defendant's Motion to Suppress Physical Evidence Seized in Violation of the Fourth Amendment (Doc. No. 25, filed December 21, 2009), is **REOPENED** to permit the Court to consider additional argument and the transcript of the testimony of Officer James Robertson at defendant's preliminary hearing in the Municipal Court

in Philadelphia.

b. Defendant's Motion to Reopen Suppression Hearing is **DENIED** in all other respects.

c. The Court's Memorandum and Order dated October 22, 2010, denying defendant's Motion to Suppress Physical Evidence Obtained in Violation of the Fourth Amendment (Doc. No. 25, filed December 21, 2009) are **REAFFIRMED** as amplified by the Memorandum dated March 22, 2012.

2. Defendant's Motion to Dismiss Indictment / Motion for Release on Conditions is **DENIED**.

IT IS FURTHER ORDERED that the Court's Memorandum dated October 22, 2010, is **AMENDED** to **SUBSTITUTE** the word "packets" for the word "vials" wherever it appears.

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DuBOIS, J.